

## Message

**From:** O'Lone, Mary [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6402E17D09FB4045A42AE0FA0406DB2B-O'LONE, MARY]  
**Sent:** 7/20/2017 8:34:23 PM  
**To:** Nguyen, Calvin [nguyen.calvin@epa.gov]  
**CC:** Adam Wilson (wilson.adam@epa.gov) [wilson.adam@epa.gov]  
**Subject:** FW: Title VI Complaint File nos. 44RNO-16-R9 and 45RNO-16-R9

Calvin-

## Ex. 5 AC/DP

Although, as with my comment about quoting or citing to those declarations as if they are fact, it wouldn't be appropriate to include this as fact. Instead you would say according to . . .

Thanks, Mary

Mary M. O'Lone  
 Civil Rights and Finance Law Office  
 Office of General Counsel, US EPA  
 1200 Pennsylvania Avenue, NW  
 Washington, DC 20460  
 (202) 564-4992

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**From:** O'Lone, Mary  
**Sent:** Wednesday, June 14, 2017 10:07 AM  
**To:** Nguyen, Calvin <nguyen.calvin@epa.gov>; Adam Wilson (wilson.adam@epa.gov) <wilson.adam@epa.gov>  
**Subject:** FW: Title VI Complaint File nos. 44RNO-16-R9 and 45RNO-16-R9

Fishing

Thanks, Mary

Mary M. O'Lone  
 Civil Rights and Finance Law Office  
 Office of General Counsel, US EPA  
 1200 Pennsylvania Avenue, NW  
 Washington, DC 20460  
 (202) 564-4992

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**From:** Dorka, Lilian  
**Sent:** Tuesday, June 06, 2017 9:54 PM  
**To:** Kylie Wager <kwager@earthjustice.org>  
**Cc:** Paul Achitoff <achitoff@earthjustice.org>; Martinez, Brittany <Martinez.Brittany@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Miller, Amy <Miller.Amy@epa.gov>  
**Subject:** Re: Title VI Complaint File nos. 44RNO-16-R9 and 45RNO-16-R9

Thanks very much Kylie!

Sent from my iPhone

On Jun 6, 2017, at 5:40 PM, Kylie Wager <[kwager@earthjustice.org](mailto:kwager@earthjustice.org)> wrote:

Brittany and Lilian,

As per your request, I found out more about the fishing areas along West Kaua'i. The basic answer is that Native Hawaiians fish the entire coastline from 'Ele'ele to Polihale and beyond. With respect to the Pacific Missile Range Facility, the Navy prohibits fishing from and along the base at certain times for security reasons. The types of fish caught are primarily reef fish, including moi, 'ama'ama, kala, awa, 'opihi, and 'a'ama crab. Although the Hawai'i Department of Land and Natural Resources prohibits fishing for certain species during certain months, many of species have open, year-round fishing seasons. Hence Native Hawaiians fish along West Kaua'i year-round.

Thank you,  
Kylie

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**From:** Paul Achitoff  
**Sent:** Tuesday, June 06, 2017 6:16 AM  
**To:** Martinez, Brittany  
**Cc:** Kylie Wager; Dorka, Lilian  
**Subject:** RE: Title VI Complaint File nos. 44RNO-16-R9 and 45RNO-16-R9

Thank you, Brittany.

----- Original message -----

From: "Martinez, Brittany"  
Date: 06/06/2017 4:56 AM (GMT-10:00)  
To: Paul Achitoff  
Cc: Kylie Wager, "Dorka, Lilian"  
Subject: RE: Title VI Complaint File nos. 44RNO-16-R9 and 45RNO-16-R9

Hi Paul,

No problem. As of right now it looks like either the 14th or the 20th works better for folks. Please note that we will try to push for the 20th. I can provide you with a definitive answer by tomorrow.

-----Original Message-----

From: Paul Achitoff [<mailto:achitoff@earthjustice.org>]  
Sent: Monday, June 05, 2017 7:26 PM  
To: Martinez, Brittany <[Martinez.Brittany@epa.gov](mailto:Martinez.Brittany@epa.gov)>  
Cc: Kylie Wager <[kwager@earthjustice.org](mailto:kwager@earthjustice.org)>; Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>  
Subject: RE: Title VI Complaint File nos. 44RNO-16-R9 and 45RNO-16-R9

Hi Brittany,

Sorry to present a moving target, but [redacted] just mentioned to me that, while she will make herself available on those dates and times next week if necessary, the following Monday and Tuesday, June 19th and 20th, after noon Hawai'i time would work better for her.

Paul

-----Original Message-----

From: Martinez, Brittany [<mailto:Martinez.Brittany@epa.gov>]  
Sent: Friday, June 02, 2017 11:03 AM  
To: Paul Achitoff  
Cc: Kylie Wager; Dorka, Lilian  
Subject: RE: Title VI Complaint File nos. 44RNO-16-R9 and 45RNO-16-R9

Hi Paul-

Thank you for providing [REDACTED] availability. I will check our calendars and will get back in contact with you to confirm.

-----Original Message-----

From: Paul Achitoff [<mailto:achitoff@earthjustice.org>]  
 Sent: Friday, June 02, 2017 4:59 PM  
 To: Martinez, Brittany <[Martinez.Brittany@epa.gov](mailto:Martinez.Brittany@epa.gov)>  
 Cc: Kylie Wager <[kwager@earthjustice.org](mailto:kwager@earthjustice.org)>; Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>  
 Subject: RE: Title VI Complaint File nos. 44RNO-16-R9 and 45RNO-16-R9

Thank you, Brittany. One of our client representatives, [REDACTED] is available to speak with EPA on 6/13 between 9am-12pm or 6/14 between 9am-12pm. Please let me know if either of those will work for you.

Paul

-----Original Message-----

From: Martinez, Brittany [<mailto:Martinez.Brittany@epa.gov>]  
 Sent: Wednesday, May 31, 2017 7:29 AM  
 To: Paul Achitoff  
 Cc: Kylie Wager; Dorka, Lilian  
 Subject: RE: Title VI Complaint File nos. 44RNO-16-R9 and 45RNO-16-R9

Hi Paul-

Thank you for sending the GIS links. The following list are the names of the participants who were on the conference call on 5/23:

Lilian Dorka  
 Brittany Martinez  
 Kurt Temple  
 Debra McGhee  
 Amy Miller  
 Jeryl Covington  
 Ariadne Goerke  
 Adam Wilson  
 Mary O'Lone  
 Richard Grow  
 Deldi Reyes  
 Descan Garnett  
 Calvin Nguyen  
 Mary Grisier  
 Patti TenBrook  
 Katherine Taylor

Please note that your request for the transcript is currently being processed under FOIA. I will send you the tracking number once it is assigned.

Thank you,

-----Original Message-----

From: Paul Achitoff [<mailto:achitoff@earthjustice.org>]  
 Sent: Wednesday, May 24, 2017 7:06 PM  
 To: Martinez, Brittany <[Martinez.Brittany@epa.gov](mailto:Martinez.Brittany@epa.gov)>  
 Cc: Kylie Wager <[kwager@earthjustice.org](mailto:kwager@earthjustice.org)>; Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>  
 Subject: RE: Title VI Complaint File nos. 44RNO-16-R9 and 45RNO-16-R9

Brittany,

Thank you for yesterday's call and for following up with us. We will contact our clients and provide a response as

soon as possible.

We were also wondering whether you could provide us a transcript of yesterday's discussion, as well as a list of those who attended--we weren't able to record all of the names.

Finally, here are the links to the GIS layers and maps Kylie mentioned:

Hawaiian Home Lands

<http://histategis.maps.arcgis.com/home/item.html?id=fb39e62aed234a90a9a494a0007b8263>

Hawaiian Population (shows pure and part Native Hawaiian population, regardless of residence on Hawaiian Home Lands)

<http://histategis.maps.arcgis.com/home/item.html?id=a04166da64bc4e26885912cebf7f6439>

Agricultural Baseline Data (shows seed production, regardless of land ownership)

<http://histategis.maps.arcgis.com/home/item.html?id=71cb06a07dee4f4990888c2a07225eb0>

Public Schools

<http://histategis.maps.arcgis.com/home/item.html?id=ba92e2fc0d2d4497af7289cb4ab552a7>

Private Schools

<http://histategis.maps.arcgis.com/home/item.html?id=95e39721d53c4319a5a4525866515458>

Preschools

<http://histategis.maps.arcgis.com/home/item.html?id=9c29d1a0e812454980ff133cac944611>

Charter Schools

<http://histategis.maps.arcgis.com/home/item.html?id=de482be8d8d34fc0b1f7a39e1dc759b3>

Kaua'i County TMK maps

<http://www.qpublic.net/hi/kauai/>

Maui County TMK maps (includes the island of Moloka'i) <http://www.mauipropertytax.com/>

Regards,

Paul Achitoff

-----Original Message-----

From: Martinez, Brittany [<mailto:Brittany.Martinez@epa.gov>]

Sent: Wednesday, May 24, 2017 4:56 AM

To: Paul Achitoff

Cc: Kylie Wager; Dorka, Lilian

Subject: Title VI Complaint File nos. 44RNO-16-R9 and 45RNO-16-R9

Hi Paul:

As discussed during yesterday's call, here is one of the specific questions that you or your clients may be able to provide additional information during the interview:

- Can you describe in more detail the area used by Native Hawaiians for fishing in Kaua'i? Is there a similar area in Moloka'i?

In addition, please let us know when you are able to confirm the availability of your clients in the coming weeks. We will try our best to be flexible. Thank you!

-----Original Message-----

From: Paul Achitoff [<mailto:pachitoff@earthjustice.org>]

Sent: Tuesday, May 23, 2017 1:14 PM

To: Martinez, Brittany <[Brittany.Martinez@epa.gov](mailto:Brittany.Martinez@epa.gov)>

Cc: Kylie Wager <[kwager@earthjustice.org](mailto:kwager@earthjustice.org)>; Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>

Subject: RE: \*\*Updated Conference Call Information\*\*

Thank you, Brittany.

Paul

----- Original message -----

From: "Martinez, Brittany"  
Date: 05/23/2017 6:24 AM (GMT-10:00)  
To: Paul Achitoff  
Cc: Kylie Wager, "Dorka, Lilian"  
Subject: \*\*Updated Conference Call Information\*\*

Hi Paul:

The conference call information for today's discussion has been updated. Please refer to the following:

### Ex. 6 Conference Code

Please respond to this email to confirm receipt. Thank you!

From: Paul Achitoff [<mailto:achitoff@earthjustice.org>]  
Sent: Monday, May 22, 2017 5:17 PM  
To: Martinez, Brittany <[Martinez.Brittany@epa.gov](mailto:Martinez.Brittany@epa.gov)>  
Cc: Kylie Wager <[kwager@earthjustice.org](mailto:kwager@earthjustice.org)>; Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>  
Subject: RE: EPA file numbers 44RNO-16-R9 (HDOA) and 45RNO-16-R9 (ADC)

Hi Brittany,

Thanks, we'll be on the call tomorrow.

Paul

From: Martinez, Brittany [<mailto:Martinez.Brittany@epa.gov>]  
Sent: Friday, May 19, 2017 8:04 AM  
To: Paul Achitoff  
Cc: Kylie Wager; Dorka, Lilian  
Subject: RE: EPA file numbers 44RNO-16-R9 (HDOA) and 45RNO-16-R9 (ADC)

Hi Paul-

Please see the following conference call information for Tuesday's discussion:

### Ex. 6 Conference Code

If you have any questions or are no longer available at this time, please let us know.

From: Martinez, Brittany  
Sent: Tuesday, May 16, 2017 1:48 PM  
To: Paul Achitoff <[achitoff@earthjustice.org](mailto:achitoff@earthjustice.org)<<mailto:achitoff@earthjustice.org>>>  
Cc: Kylie Wager <[kwager@earthjustice.org](mailto:kwager@earthjustice.org)<<mailto:kwager@earthjustice.org>>>; Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)<<mailto:Dorka.Lilian@epa.gov>>>  
Subject: RE: EPA file numbers 44RNO-16-R9 (HDOA) and 45RNO-16-R9 (ADC)

Hi Paul,

I believe now the 23rd will work best for us. The time that I have blocked is 10:15-11am (Hawaii time). I will confirm with you before the week is out and provide you both with our conference call information. Please let me know if you have any questions.

Thank you,

Brittany Martinez

From: Paul Achitoff [<mailto:achitoff@earthjustice.org>]  
Sent: Friday, May 12, 2017 8:23 PM  
To: Martinez, Brittany <[Martinez.Brittany@epa.gov](mailto:Martinez.Brittany@epa.gov)<<mailto:Martinez.Brittany@epa.gov>>>  
Cc: Kylie Wager <[kwager@earthjustice.org](mailto:kwager@earthjustice.org)<<mailto:kwager@earthjustice.org>>>  
Subject: EPA file numbers 44RNO-16-R9 (HDOA) and 45RNO-16-R9 (ADC)

Hi Brittany,

I've been trying without success so far to reach our clients, but since time is short, let's schedule the call anyway, and I'll keep trying. My associate Kylie Wager and I are both available on May 22 and 23 at the times you suggested.

Paul

Paul H. Achitoff  
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